

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JIMMIE HARDAWAY, JR., LARRY A. BOYD,
FIREARMS POLICY COALITION, INC., and
SECOND AMENDMENT FOUNDATION

Plaintiffs,

v.

No. 22-cv-00771 (JLS)

STEVEN A. NIGRELLI, in his official capacity as
Superintendent of the New York State Police, BRIAN D.
SEAMAN, in his official capacity as District Attorney for the
County of Niagara, and JOHN J. FLYNN, in his official
capacity as District Attorney for the County of Erie,

Defendants.

DESIGNATION OF RECORD ON APPEAL

Attached as Exhibit A hereto is the Designation of Record on Appeal.

DATED: Buffalo, New York
 November 15, 2022

LETITIA JAMES
Attorney General of the State of New York
Attorney for Defendant Nigrelli
BY: /s/ Ryan L. Belka
Ryan L. Belka
Assistant Attorney General of Counsel
Main Place Tower, Suite 300A
350 Main Street
Buffalo, NY 14202
(716) 853-8440
Ryan.Belka@ag.ny.gov

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capacity as District Attorney for the County of Erie,

Defendants.

I hereby certify that on November 15, 2022, I electronically filed the **Designation of Record on Appeal** with the Clerk of the District Court using its CM/ECF system.

DATED: Buffalo, New York
 November 15, 2022

LETITIA JAMES
Attorney General of the State of New York
Attorney for Defendant Nigrelli
BY: /s/ Ryan L. Belka
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A

APPEAL,MEDIATION

**U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:22-cv-00771-JLS**

Hardaway, Jr. et al v. Nigrelli et al
Assigned to: Hon. John L. Sinatra, Jr.
Related Case: 1:22-cv-00695-JLS
Cause: 42:1983 Civil Rights Act

Date Filed: 10/13/2022
Jury Demand: Defendant
Nature of Suit: 950 Constitutional – State
Statute
Jurisdiction: Federal Question

Plaintiff

Jimmie Hardaway, Jr.

represented by **Nicolas J. Rotsko**
Phillips Lytle LLP
One Canalside
125 Main Street
Buffalo, NY 14203-2887
716-847-8400
Fax: 716-852-6100
Email: nrotsko@phillipslytle.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Williams
Phillips Lytle LLP
125 Main Street
One Canalside
Buffalo, NY 14203
716-847-8400
Fax: 716-852-6100
Email: sWilliams@phillipslytle.com
ATTORNEY TO BE NOTICED

Plaintiff

Larry A Boyd

represented by **David H. Thompson**
Cooper & Kirk, PLLC
1523 New Hampshire Avenue, NW
Washington, DC 20036
202-220-9659
Fax: 202-220-9601
Email: dthompson@cooperkirk.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

John W. Tienken
Cooper & Kirk, PLLC
1523 New Hampshire Avenue, NW
Washington, DC 20036
202-220-9643
Email: jtienken@cooperkirk.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Nicolas J. Rotsko
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Peter A Patterson
Cooper & Kirk, PLLC
1523 New Hampshire Avenue, NW

Washington, DC 20036
202-220-9670
Fax: 202-220-9601
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sam Williams
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Firearms Policy Coalition, Inc.

represented by **Nicolas J. Rotsko**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Williams
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Second Amendment Foundation

represented by **Nicolas J. Rotsko**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Williams
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Steven A. Nigrelli

*in his official capacity as Superintendent
of the New York State Police*

represented by **Ryan Lane Belka**
NYS Attorney General's Office
Main Place Tower
Suite 300A
350 Main Street
Buffalo, NY 14202
716.853.8440
Fax: 716.853.8571
Email: Ryan.Belka@ag.ny.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James M. Thompson
Office of the New York Attorney General
NYC
28 Liberty Street
14th Floor
New York, NY 10005
212-416-6556
Email: james.thompson@ag.ny.gov
ATTORNEY TO BE NOTICED

Defendant

Brian D. Seaman

*in his official capacity as District
Attorney for the County of Niagara, New
York*

represented by **Brian P. Crosby**
Gibson, McAskill & Crosby, LLP
69 Delaware Avenue
Suite 900
Buffalo, NY 14202-3866

716-856-4200
 Fax: 716-856-4013
 Email: bcrosby@gmclaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa M. Morton
 Gibson, McAskill & Crosby, LLP
 69 Delaware Avenue
 Suite 900
 Buffalo, NY 14202-3866
 716-856-4200
 Fax: 716-856-4013
 Email: mmorton@gmclaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John J. Flynn
*in his official capacity as District
 Attorney for the County of Erie, New York*

represented by **Kenneth R. Kirby**
 County of Erie
 Department of Law
 95 Franklin Street,
 Suite 1634
 Buffalo, NY 14202
 716-858-2226
 Fax: 716-858-2281
 Email: kenneth.kirby@erie.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

Everytown for Gun Safety

represented by **William James Taylor , Jr.**
 Everytown Law
 450 Lexington Ave., #4184
 New York, NY 10017
 646-324-8215
 Email: wtaylor@everytown.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/13/2022	<u>1</u>	COMPLAINT against All Defendants \$ 402 receipt number ANYWDC-4697963, filed by Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation, Larry A Boyd. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Civil Cover Sheet)(Rotsko, Nicolas) (Entered: 10/13/2022)
10/13/2022	<u>2</u>	Original Summons Filed. (Rotsko, Nicolas) (Entered: 10/13/2022)
10/13/2022	<u>3</u>	Original Summons Filed. (Rotsko, Nicolas) (Entered: 10/13/2022)
10/13/2022	<u>4</u>	Original Summons Filed. (Rotsko, Nicolas) (Entered: 10/13/2022)
10/14/2022		Case assigned to Hon. John L. Sinatra, Jr. Notification to Chambers of on-line civil case opening. (CGJ) (Entered: 10/14/2022)
10/14/2022		AUTOMATIC REFERRAL to Mediation The ADR Plan is available for download at http://www.nywd.uscourts.gov/alternative-dispute-resolution .(CGJ) (Entered: 10/14/2022)
10/14/2022		Notice of Availability of Magistrate Judge: A United States Magistrate of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (AO-85) is available for download at

		http://www.uscourts.gov/services-forms/forms . (CGJ) (Entered: 10/14/2022)
10/14/2022	<u>5</u>	Summons Issued as to Kevin P. Bruen, John J. Flynn, Brian D. Seaman. (CGJ) (Entered: 10/14/2022)
10/14/2022	<u>6</u>	NOTICE: All parties are expected to comply with Judge Sinatra's individual requirements set forth in the "Judges' Info" section of the Court's website. Business organization parties should pay particular attention to the tab relating to such parties. (KLH) (Entered: 10/14/2022)
10/14/2022	<u>7</u>	Corporate Disclosure Statement by Firearms Policy Coalition, Inc.. (Rotsko, Nicolas) (Entered: 10/14/2022)
10/14/2022	<u>8</u>	Corporate Disclosure Statement by Second Amendment Foundation. (Rotsko, Nicolas) (Entered: 10/14/2022)
10/14/2022	<u>9</u>	MOTION for Temporary Restraining Order by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Ex A Declaration of Nicolas J. Rotsko, # <u>3</u> Exhibit Ex B Complaint, # <u>4</u> Declaration Ex C Declaration of Rev. Dr. Jimmie Hardaway, Jr., # <u>5</u> Declaration Ex D Declaration of Bishop Larry A. Boyd, # <u>6</u> Declaration Ex E Declaration of FPC, # <u>7</u> Declaration Ex F Declaration of SAF, # <u>8</u> Text of Proposed Order for TRO, # <u>9</u> Text of Proposed Order for PI)(Rotsko, Nicolas) (Entered: 10/14/2022)
10/14/2022	<u>10</u>	MOTION to Expedite <i>Hearing</i> by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. (Attachments: # <u>1</u> Declaration Declaration of Nicolas J. Rotsko, # <u>2</u> Exhibit 1 – Notice of Motion for Temporary Restraining Order (Dkt. No. 9), # <u>3</u> Exhibit 2 – Memorandum of Law in Support of Temporary Restraining Order (Dkt. No. 9–1), # <u>4</u> Exhibit 3 – Declaration of Nicolas J. Rotsko (Dkt. No. 9–2), # <u>5</u> Exhibit 4 – Complaint (Dkt. No. 9–3), # <u>6</u> Exhibit 5 – Declaration of Rev. Dr. Jimmie Hardaway, Jr. (Dkt. No. 9–4), # <u>7</u> Exhibit 6 – Declaration of Bishop Larry A. Boyd (Dkt. No. 9–5), # <u>8</u> Exhibit 7 – Declaration of Brandon Combs (Dkt. No. 9–6), # <u>9</u> Exhibit 8 – Declaration of Alan M. Gottlieb (Dkt. No. 9–7), # <u>10</u> Text of Proposed Order)(Rotsko, Nicolas) (Entered: 10/14/2022)
10/15/2022	<u>11</u>	TEXT ORDER granting <u>10</u> Motion to Expedite Hearing. Given the level of briefing regarding the houses of worship issue submitted recently in other cases, and the time sensitive nature of this application, the Court grants proposed order (Dkt. 10–10) as follows: Plaintiffs shall serve this Text Order and their TRO/PI application papers (Dkt. 9) on defendants by 4:00 p.m. Monday, October 17, 2022. Plaintiffs shall ensure defendants receive notice by adequate means, such as e-mail, to known counsel for defendants. Plaintiffs shall file proof of service by October 17, 2022 at 11:59 p.m. Defendants' opposition papers on the TRO application are due Wednesday, October 19, 2022 at 4:00 p.m. Reply papers, if any, are due by 10:00 a.m. on Thursday, October 20, 2022. The parties shall appear for argument/hearing on the TRO application on October 20, 2022 at 1:30 p.m. in the Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 10/15/22 (MEM). (Entered: 10/15/2022)
10/15/2022	<u>12</u>	**DISREGARD: entry duplicated from dkt. #11**TEXT ORDER granting <u>10</u> Motion to Expedite Hearing. Given the level of briefing regarding the houses of worship issue submitted recently in other cases, and the time sensitive nature of this application, the Court grants proposed order (Dkt. 10–10) as follows: Plaintiffs shall serve this Text Order and their TRO/PI application papers (Dkt. 9) on defendants by 4:00 p.m. Monday, October 17, 2022. Plaintiffs shall ensure defendants receive notice by adequate means, such as e-mail, to known counsel for defendants. Plaintiffs shall file proof of service by October 17, 2022 at 11:59 p.m. Defendants' opposition papers on the TRO application are due Wednesday, October 19, 2022 at 4:00 p.m. Reply papers, if any, are due by 10:00 a.m. on Thursday, October 20, 2022. The parties shall appear for argument/hearing on the TRO application on October 20, 2022 at 1:30 p.m. in the Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 10/15/22 (MEM). Modified on 10/17/2022 to enter disregard notice (KLH). (Entered: 10/15/2022)
10/17/2022		E-Filing Notification re 12 TEXT ORDER granting <u>10</u> Motion to Expedite Hearing: Entry modified on 10/17/2022 to enter disregard notice. Text Order at Dkt. 11

		duplicated at Dkt. 12. (KLH) (Entered: 10/17/2022)
10/17/2022		Set/Reset Hearings: Oral Argument set for 10/20/2022 01:30 PM in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY before Hon. John L. Sinatra, Jr. (KLH) (Entered: 10/17/2022)
10/17/2022	<u>13</u>	AFFIDAVIT of Service for Summons, Complaint, Notice of Motion for TRO and PI, Memorandum of Law with exhibits and Proposed Orders and Text Order served on John Flynn on 10/17/2022, filed by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. (Rotsko, Nicolas) (Entered: 10/17/2022)
10/17/2022	<u>14</u>	AFFIDAVIT of Service for Summons, Complaint, Notice of Motion for TRO and PI, Memorandum of Law with exhibits and Proposed Orders and Text Order served on Brian D. Seaman on 10/17/2022, filed by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. (Rotsko, Nicolas) (Entered: 10/17/2022)
10/17/2022	<u>15</u>	AFFIDAVIT of Service for Summons, Complaint, Notice of Motion for TRO and PI, Memorandum of Law with exhibits and Proposed Orders and Text Order served on Kevin P. Bruen on 10/17/2022, filed by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. (Rotsko, Nicolas) (Entered: 10/17/2022)
10/17/2022	<u>16</u>	AFFIDAVIT of Service for Summons, Complaint, Notice of Motion for TRO and PI, Memorandum of Law with exhibits and Proposed Orders and Text Order served on John Flynn and Brian D. Seaman on 10/17/2022, filed by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. (Rotsko, Nicolas) (Entered: 10/17/2022)
10/17/2022	<u>17</u>	CERTIFICATE OF SERVICE by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation (Rotsko, Nicolas) (Entered: 10/17/2022)
10/18/2022	<u>18</u>	MOTION to appear pro hac vice for <i>Peter A. Patterson, Esq.</i> (Filing fee \$ 200 receipt number ANYWDC-4701001.) by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. (Attachments: # <u>1</u> Affidavit Sponsoring Affidavit, # <u>2</u> Exhibit Petition, # <u>3</u> Exhibit Attorney Oath, # <u>4</u> Exhibit Registration Form)(Rotsko, Nicolas) (Entered: 10/18/2022)
10/18/2022	<u>19</u>	MOTION to appear pro hac vice for <i>John W. Tienken</i> (Filing fee \$ 200 receipt number ANYWDC-4701030.) by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. (Attachments: # <u>1</u> Affidavit Sponsoring Affidavit, # <u>2</u> Exhibit Petition, # <u>3</u> Exhibit Attorney Oath, # <u>4</u> Exhibit Registration Form)(Rotsko, Nicolas) (Entered: 10/18/2022)
10/18/2022	<u>20</u>	CONTINUATION OF EXHIBITS by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. to <u>18</u> MOTION to appear pro hac vice for <i>Peter A. Patterson, Esq.</i> (Filing fee \$ 200 receipt number ANYWDC-4701001.) <i>Civility Principles Oath</i> filed by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. (Rotsko, Nicolas) (Entered: 10/18/2022)
10/18/2022	<u>21</u>	CONTINUATION OF EXHIBITS by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. to <u>19</u> MOTION to appear pro hac vice for <i>John W. Tienken</i> (Filing fee \$ 200 receipt number ANYWDC-4701030.) <i>Civility Principles Oath</i> filed by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. (Rotsko, Nicolas) (Entered: 10/18/2022)
10/18/2022	<u>22</u>	MOTION to appear pro hac vice (Filing fee \$ 200 receipt number ANYWDC-4701202.) by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. (Attachments: # <u>1</u> Affidavit of Nicolas J. Rotsko, # <u>2</u> Petition of David H. Thompson, # <u>3</u> Attorney Oath, # <u>4</u> Civility Oath, # <u>5</u> ECF Registration)(Rotsko, Nicolas) (Entered: 10/18/2022)
10/18/2022	<u>23</u>	Corrected Notice of Motion re <u>19</u> MOTION to appear pro hac vice for <i>John W. Tienken</i> (Filing fee \$ 200 receipt number ANYWDC-4701030.) by Larry A Boyd,

		Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation.(Rotsko, Nicolas) Modified on 10/19/2022 (CGJ). (Entered: 10/18/2022)
10/19/2022		E-Filing Notification: re <u>23</u> Docket text modified to show as corrected Notice of Motion (CGJ) (Entered: 10/19/2022)
10/19/2022	<u>24</u>	NOTICE of Appearance by Kenneth R. Kirby on behalf of John J. Flynn (Kirby, Kenneth) (Entered: 10/19/2022)
10/19/2022	<u>25</u>	RESPONSE to Motion re <u>10</u> MOTION to Expedite Hearing, <u>9</u> MOTION for Temporary Restraining Order <i>Affidavit in Response to Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction</i> filed by John J. Flynn. (Kirby, Kenneth) (Entered: 10/19/2022)
10/19/2022	<u>26</u>	NOTICE of Appearance by Brian P. Crosby on behalf of Brian D. Seaman (Crosby, Brian) (Entered: 10/19/2022)
10/19/2022	<u>27</u>	RESPONSE to Motion re <u>9</u> MOTION for Temporary Restraining Order filed by Brian D. Seaman. (Attachments: # <u>1</u> Affidavit of Claude A. Joerg, Esq., # <u>2</u> Exhibit)(Crosby, Brian) (Entered: 10/19/2022)
10/19/2022	<u>28</u>	MEMORANDUM in Opposition re <u>9</u> MOTION for Temporary Restraining Order filed by Kevin P. Bruen. (Attachments: # <u>1</u> Declaration of Patrick J. Charles with Exhibits A–N)(Belka, Ryan) (Entered: 10/19/2022)
10/19/2022	<u>29</u>	MOTION to Reassign Case by Kevin P. Bruen. (Attachments: # <u>1</u> Memorandum in Support)(Belka, Ryan) (Entered: 10/19/2022)
10/20/2022	30	TEXT ORDER granting <u>18</u> Motion for attorney Peter A. Patterson to appear <i>Pro Hac Vice</i> ; granting <u>19</u> , <u>23</u> Motion for attorney John W. Tienken to appear <i>Pro Hac Vice</i> ; granting <u>22</u> Motion for attorney David H. Thompson to appear <i>Pro Hac Vice</i> . Issued by Hon. John L. Sinatra, Jr. on 10/20/2022. (KLH) Clerk to Follow up (Entered: 10/20/2022)
10/20/2022	<u>31</u>	REPLY to Response to Motion re <u>9</u> MOTION for Temporary Restraining Order filed by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. (Rotsko, Nicolas) (Entered: 10/20/2022)
10/20/2022	32	TEXT ORDER denying <u>29</u> Motion to Reassign Case by Kevin P. Bruen. Rule 5.1(e) of the Local Rules of Civil Procedure permits assignment of related cases to the same judge where such assignment "would avoid unnecessary duplication of judicial effort." Here, the same detailed analysis of, and close familiarity with, the Supreme Court's <i>Heller, McDonald, and Bruen</i> decisions spans this case and <i>Christian et al. v. Bruen, et al.</i> , No. 22-cv-00695 (W.D.N.Y.). Related case assignment creates a significant time savings in this scenario. Moreover, there may be some overlap on the standing issue. Although the particular subsections of the statute may differ, many parts of the analytical approach may carry over from one case to the other. The motion to reassign is therefore denied. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 10/20/2022. (KLH) (Entered: 10/20/2022)
10/20/2022	<u>33</u>	NOTICE of Appearance by Melissa M. Morton on behalf of Brian D. Seaman (Morton, Melissa) (Entered: 10/20/2022)
10/20/2022	34	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Oral Argument held on 10/20/2022 re Plaintiffs' <u>9</u> motion for temporary restraining order. Parties agree to amend the case caption to substitute Steven A. Nigrelli in place of defendant Kevin Bruen. Written decision on the motion to follow. Appearances. For plaintiffs: Nicolas Rotsko and Samuel Williams. For defendant Nigrelli: Ryan Belka. For defendant Seaman: Brian Crosby and Melissa Morton. For defendant Flynn: Kenneth Kirby. (Court Reporter Bonnie Weber) (KLH) (Entered: 10/20/2022)
10/20/2022	<u>35</u>	DECISION AND ORDER that Plaintiffs' motion for temporary restraining order is GRANTED as specified; that this TRO will remain in effect through the disposition of Plaintiffs' motion for preliminary injunction; that no bond shall be required; and that Defendants' opposition papers on the preliminary injunction application are due

		<p>October 28, 2022 at 12:00 p.m. Reply papers, if any, are due by November 2, 2022 at 12:00 p.m. The parties shall appear for a hearing on the preliminary injunction application on November 3, 2022 at 2:00 p.m. in Chautauqua Courtroom, 8th Floor East, 2 Niagara Square, Buffalo, NY. Signed by Hon. John L. Sinatra, Jr. on 10/20/2022.</p> <p>Please note: This docket entry does not contain every detail of this order. It is your responsibility to read and download the pdf to this document for future reference. (KLH) (Entered: 10/20/2022)</p>
10/21/2022	<u>36</u>	NOTICE of Appearance by Sam Williams on behalf of All Plaintiffs (Williams, Sam) (Entered: 10/21/2022)
10/27/2022	<u>37</u>	RESPONSE to Motion re <u>9</u> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Brian D. Seaman. (Attachments: # <u>1</u> Declaration of Claude A. Joerg)(Crosby, Brian) (Entered: 10/27/2022)
10/27/2022	<u>38</u>	RESPONSE to Motion re <u>9</u> MOTION for Temporary Restraining Order <i>Assistant Erie County Attorney Kenneth R. Kirby's Affidavit in Response to Plaintiffs' Motion for a Preliminary Injunction and a Temporary Restraining Order</i> filed by John J. Flynn. (Kirby, Kenneth) (Entered: 10/27/2022)
10/28/2022	<u>39</u>	Amended transcript filed, see document <u>50</u> for correct version. NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on October 20, 2022, before District Judge, the Honorable John L. Sinatra, Jr. Court Reporter/Transcriber Bonnie S. Weber, Bonnie_Weber@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 11/18/2022. Redacted Transcript Deadline set for 11/28/2022. Release of Transcript Restriction set for 1/26/2023. (BSW) Modified on 11/2/2022 (CGJ). (Entered: 10/28/2022)
10/28/2022	<u>40</u>	MEMORANDUM in Opposition re <u>9</u> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Steven A. Nigrelli. (Attachments: # <u>1</u> Declaration of Patrick J. Charles with Exhibits A–N)(Belka, Ryan) (Entered: 10/28/2022)
10/28/2022	<u>41</u>	TEXT ORDER: The parties shall appear for a status conference on 10/31/2022 at 2:30 PM regarding the preliminary injunction hearing. Parties may appear in person or by telephone for the status conference. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 10/28/2022. (KLH) (Entered: 10/28/2022)
10/28/2022	<u>42</u>	CERTIFICATE OF SERVICE by Steven A. Nigrelli re <u>40</u> Memorandum in Opposition to Motion (Belka, Ryan) (Entered: 10/28/2022)
10/28/2022	<u>43</u>	MOTION for Leave to File <i>Amicus Brief</i> by Everytown for Gun Safety.(Taylor, William) (Entered: 10/28/2022)
10/28/2022	<u>44</u>	MEMORANDUM IN SUPPORT re <u>43</u> MOTION for Leave to File <i>Amicus Brief</i> by Everytown for Gun Safety. (Taylor, William) (Entered: 10/28/2022)
10/28/2022	<u>45</u>	DECLARATION re <u>43</u> MOTION for Leave to File <i>Amicus Brief</i> filed by Everytown for Gun Safety . (Attachments: # <u>1</u> Exhibit A -- Proposed Amicus Brief)(Taylor, William) (Entered: 10/28/2022)
10/29/2022	<u>46</u>	TEXT ORDER granting <u>43</u> motion for leave to file amicus brief. Everytown for Gun Safety may file its proposed brief (Dkt. 45–1) by 10:00 am on Monday, October 31, 2022, but may not present evidence or participate in oral arguments or any hearing. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 10/29/2022. (Entered: 10/29/2022)
10/29/2022	<u>47</u>	MEMORANDUM/BRIEF of <i>Amicus Curiae</i> by Everytown for Gun Safety. (Taylor, William) (Entered: 10/29/2022)
10/31/2022	<u>48</u>	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Status Conference held on 10/31/2022 re the preliminary injunction hearing. Court reviews submissions received to date and discusses logistics for the hearing on Thursday, which may include argument.

		Appearances. For plaintiffs: Nicolas Rotsko and Peter Patterson (by teleconference). For defendant Nigrelli: Ryan Belka (by teleconference). For defendant Seaman: Brian Crosby. For defendant Flynn: Kenneth Kirby (by teleconference). (Court Reporter Bonnie Weber) (KLH) (Entered: 11/01/2022)
11/02/2022	<u>49</u>	REPLY to Response to Motion re <u>9</u> MOTION for Temporary Restraining Order / <i>Preliminary Injunction</i> filed by Larry A Boyd, Firearms Policy Coalition, Inc., Jimmie Hardaway, Jr., Second Amendment Foundation. (Rotsko, Nicolas) (Entered: 11/02/2022)
11/02/2022	<u>50</u>	NOTICE OF FILING OF AMENDED OFFICIAL TRANSCRIPT of Proceedings held on October 20, 2022, before District Judge, the Honorable John L. Sinatra, Jr. Court Reporter/Transcriber Bonnie S. Weber, Bonnie_Weber@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/23/2022. Redacted Transcript Deadline set for 12/5/2022. Release of Transcript Restriction set for 1/31/2023. (CGJ) (Entered: 11/02/2022)
11/03/2022	<u>51</u>	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Motion hearing held on 11/3/2022 re plaintiffs' <u>9</u> motion for preliminary injunction. Court hears argument. Written decision to follow. Court sets deadline of 12/2/2022 for Defendants to answer or otherwise respond to the <u>1</u> Complaint. If motions are filed, the Court will set a briefing schedule. Appearances. For plaintiffs: Nicolas Rotsko and Sam Williams. For defendant Nigrelli: Ryan Belka. For defendant Seaman: Brian Crosby and Claude Joerg. For defendant Flynn: Kenneth Kirby. (Court Reporter Bonnie Weber) (KLH) (Entered: 11/03/2022)
11/03/2022	<u>52</u>	DECISION AND ORDER granting Plaintiffs' motion for a preliminary injunction: Defendants and their officers, agents, servants, employees, and all persons in concert or participation with them who receive notice of this preliminary injunction, are enjoined, effective immediately, from enforcing all of N.Y. Pen. L. § 265.01-e(2)(c) (places of worship or religious observation) and their regulations, policies, and practices implementing it; this preliminary injunction shall remain in effect pending disposition of the case on the merits; and no bond shall be required. Signed by Hon. John L. Sinatra, Jr. on 11/3/2022. (KLH) Please note: This docket entry does not contain every detail of this order. It is your responsibility to read and download the pdf to this document for reference. (Entered: 11/03/2022)
11/04/2022	<u>53</u>	ANSWER to <u>1</u> Complaint, <i>with Jury Demand</i> by John J. Flynn.(Kirby, Kenneth) (Entered: 11/04/2022)
11/04/2022		ADR Plan electronically forwarded to attorneys. The ADR Plan is available for download at http://www.nywd.uscourts.gov/alternative-dispute-resolution . (CGJ) (Entered: 11/04/2022)
11/09/2022	<u>54</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on November 3, 2022, before District Judge, the Honorable John L. Sinatra, Jr. Court Reporter/Transcriber Bonnie S. Weber, Bonnie_Weber@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 11/30/2022. Redacted Transcript Deadline set for 12/12/2022. Release of Transcript Restriction set for 2/7/2023. (BSW) (Entered: 11/09/2022)
11/14/2022	<u>55</u>	NOTICE of Appearance by James M. Thompson on behalf of Steven A. Nigrelli (Thompson, James) (Entered: 11/14/2022)
11/14/2022	<u>56</u>	NOTICE OF APPEAL as to <u>52</u> Order on Motion for TRO,,, by Steven A. Nigrelli. Filing fee \$ 505, receipt number ANYWDC-4723870. Appeal Record due by 11/15/2022. (Thompson, James) (Entered: 11/14/2022)

11/15/2022	Pursuant to Local Rule 12.1 of the US Court of Appeals for the Second Circuit, Forms C and D must be completed within 14 days after the filing of a notice of appeal. Forms C and D can be obtained at www.ca2.uscourts.gov . (CGJ) (Entered: 11/15/2022)
11/15/2022	Within 14 days of filing the Notice of Appeal, the appellant is required to electronically file with the District Court an index of filed documents it wishes the Court of Appeals to consider, called Designation of Record on Appeal. After receipt, the Clerks Office will certify and transmit the index to the Circuit. (CGJ) (Entered: 11/15/2022)